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Administration to Seek Antiterror Rules for Chemical Plants

By [ERIC LIPTON](#)

WASHINGTON, June 14 - Voluntary efforts to protect chemical plants from terrorist attacks are inadequate, Homeland Security Secretary Michael Chertoff has concluded, and Congress should adopt federal standards to do so.

The call for legislation is to be presented at separate House and Senate hearings on Wednesday by Robert Stephan, a top deputy to Mr. Chertoff. It gives greater momentum to an effort already under way in the Senate to impose minimum security requirements on thousands of chemical facilities across the country.

"The existing patchwork of authorities does not permit us to regulate the industry effectively," Mr. Stephan, assistant secretary of homeland security, says in testimony he is to deliver at the hearings. "It has become clear that the entirely voluntary efforts of those companies alone will not sufficiently address security for the entire sector."

The department envisions a federally enforced scale of protective steps, with the greatest security restrictions imposed on plants deemed the most vulnerable to attack, and on those where a release of chemicals would pose the greatest danger to surrounding communities.

Senator Susan Collins, the Maine Republican who is chairwoman of the Homeland Security and Government Affairs Committee, and Senator Jon Corzine, a New Jersey Democrat who has advocated chemical plant legislation, said Tuesday that the department's decision was a shift for the Bush administration.

"For the first time," Ms. Collins said, "the administration is stating clearly before Congress that current laws are not adequate to the task of improving security of chemical plants. Federal legislation is needed."

But other Congressional officials and the leader of an environmental group that has been urging federal regulation of chemical plants for several years said that even with its announcement on Wednesday, the administration would not yet be coming forward with a specific regulatory proposal.

"There is finally starting to be more of a recognition that this is a serious threat," said the environmental advocate, Lisa A. Finaldi, campaigns director for Greenpeace USA. "It is sort of like being an alcoholic. The first step is to recognize the problem. Then you can act. So far, I hear recognition. There should be action at this point."

After the Sept. 11 attacks, Tom Ridge, as homeland security adviser to President Bush, and Christine Todd Whitman, then administrator of the Environmental Protection Agency, pushed for chemical plant safety rules. But the effort stalled, Ms. Whitman has said, after industry objections.

Instead, the industry, led by the American Chemistry Council, set up a voluntary system that encouraged plant owners to conduct self-assessments and take steps to eliminate vulnerabilities: installing security cameras, fences, barriers or other means of controlling access.

But only 1,100 or so of the 15,000 plants with large amounts of dangerous chemicals participated in the voluntary program, according to a recent report by the Government Accountability Office, the auditing and investigative arm of Congress.

In 2003, the administration expressed support for legislation that would have adopted the chemical industry's voluntary standards, essentially codifying a program based largely on self-assessments by plant owners.

But the testimony by Mr. Stephan indicates that the department now believes the government should play a more active role.

"The department should develop enforceable performance standards based on the types and severity of potential risks posed by terrorists," Mr. Stephen's written testimony says. The department "remains concerned about the potential public health and economic harm should an attack occur."

The greatest danger lies in areas where large chemical plants operate next to urban centers. One such plant, outside New Orleans, is a Chalmette Refining facility that stores about 600,000 pounds of hydrofluoric acid. Another is a plant in Kearny, N.J., that E.P.A. records say poses the potential of lethal threat to 12 million people who live within a 14-mile radius.

Federal data show that nationally, there are 123 chemical plants that, in a worst-case circumstance, could each expose at least a million people to a cloud of toxic gas if attacked.

The American Chemistry Council has most recently expressed support for federal regulations that would give the department the power to enforce a set of national standards. But as will be clear at the hearings on Wednesday, opposition remains. Witnesses on the House side will include Steven P. Bandy, testifying on behalf of the National Petrochemical and Refiners Association and the American Petroleum Institute, which maintain that plant owners are already doing enough under the voluntary system.

"Industry does not need to be prodded by government mandates to take aggressive and effective steps to secure its facilities," an advance copy of Mr. Bandy's testimony says. "Chemical security legislation would be counterproductive."

But Senator Corzine said the Bush administration appeared to recognize that it must help force more improvements in plant security or risk being blamed, at least in part, for any future catastrophe.

"There is a grave vulnerability for the administration: an exposure to a very well known and identified risk," he said.

Senator Collins said that working with the administration, she would like to have a bill drafted by the end of this summer and approved by the Senate before the end of the year.

"That may be optimistic," she said. "But that is my hope."

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